

# **EXHIBIT 1**

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CARLOS E. KEPKE,

Defendant.

Criminal No. 3:21-CR-00155-JD

**DECLARATION OF COREY J. SMITH IN  
SUPPORT OF GOVERNMENT'S RESPONSE  
TO DEFENDANT'S MOTION IN LIMINE  
TO EXCLUDE EVIDENCE RELATED TO  
ROBERT BROCKMAN**

Hearing.: October 17, 2022  
Time: 10:30 a.m.  
Place: Courtroom 11, 19th Floor

**DECLARATION OF COREY J. SMITH**

I, Corey J. Smith, do hereby state the following:

1. I am a Senior Litigation Counsel with the Department of Justice, Tax Division, assigned by the Department of Justice to this case, *United States v. Carlos Kepke*, 3:21 cr 155 (JD);
2. I am a member in good standing of the bars in Massachusetts and Illinois;

4. **Exhibits 2 and 3**, filed in support of the Government’s Response to the forgoing Motion, are true and accurate copies of the Non-Prosecution Agreement and Statement of Facts executed by Robert Smith, his counsel, and attorneys for the Department of Justice;

5. **Exhibit 4** is a true and accurate copy of the Indictment filed in the Northern District of California, later moved to the Southern District of Texas, in the case of *United States v. Robert Brockman*, 3:21 cr 009 (SDTX) *nee* 4:20 cr 371 (NDCA);

6. **Exhibits 5 through 8** are true and accurate copies of transcripts of conversations between Defendant and an undercover agent from December 4, 2017, through and including February 22, 2018.

I do hereby state under the penalties of perjury that to the best of my knowledge and belief the foregoing is true and correct.

Submitted this 7th Day of October, 2022

s/ Corey J. Smith  
COREY J. SMITH  
Senior Litigation Counsel  
Attorney for United States of America